

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANA SALAZAR, MARILYN MERCADO, ANA
BERNARDEZ, JEANNETTE POOLE, EDNA
VILLATORO, LISA BRYANT and CHERRYLINE
STEVENS, on behalf of themselves and all others
similarly situated,

Plaintiffs,

-against-

ARNE DUNCAN, in his official capacity as
Secretary of the United States Department of
Education,

Defendant.

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I, Jane Greengold Stevens, an attorney duly admitted to practice in the Southern District of New York, declare under penalty of perjury as follows:

1. I am the Director of Litigation at the New York Legal Assistance Group (“NYLAG”), which represents Plaintiffs in the above-captioned matter. I am fully familiar with the facts of this case.
2. I submit this declaration in support of Plaintiffs’ Motion for Class Certification.
3. All exhibits attached to this Declaration have been redacted as required by Court rules.
4. Between January 1, 2013 and May 27, 2014 lawyers from NYLAG met or spoke with over fifty individuals whose eligibility for federally guaranteed student loans had been certified by for-profit schools owned or operated by Wilfred American Education Corp (“Wilfred”).

5. We were able to determine, based on statements and documents from these individuals, that their eligibility for federally-guaranteed student loans had been falsely certified by the Wilfred schools.

6. None of these individuals had been aware of the existence of the false certification discharge or that they qualified for a false certification discharge of their federally guaranteed Wilfred loans until they were referred to us, or until we advised them of it.

Documents Concerning Named Plaintiffs

7. Attached hereto as **Exhibit A** are true and correct copies of the false certification discharge applications of Named Plaintiffs Ana Salazar, Marilyn Mercado, Ana Bernardez, Jeannette Poole, Edna Villatoro, Lisa Bryant and Cherryline Stevens.

Documents Concerning Class Members

8. Attached hereto as **Exhibit B** is a true and correct copy of a letter sent by NYLAG to Defendant on April 16, 2013 requesting false certification discharges on behalf of eighteen (18) individuals with Wilfred loans, including:

- eleven (11) individuals certified by the Wilfred location at 208-2010 East 188th Street, Bronx, New York;
- two (2) individuals certified by the Wilfred location at 91-14 Merrick Boulevard, Jamaica, New York;
- three (3) individuals certified by the Wilfred location at 200 Park Avenue, New York, New York;
- one (1) individual certified by the Wilfred location at 81 Willoughby Street, Brooklyn, New York; and
- one (1) individual certified by an unidentifiable Wilfred location.

9. Attached hereto as **Exhibit C** is a true and correct copy of a letter sent by NYLAG to Defendant on July 16, 2013 requesting false certification discharges on behalf of six (6) individuals with Wilfred loans, including:

- three (3) individuals certified by the Wilfred location at 208-2010 East 188th Street, Bronx, New York;
- two (2) individuals certified by the Wilfred location at 1657 Broadway, New York, New York; and
- one (1) individual certified by the Wilfred location at 81 Willoughby Street, Brooklyn, New York.

10. Attached hereto as **Exhibit D** is a true and correct copy of a letter sent by NYLAG to Defendant on August 12, 2013 requesting false certification discharges on behalf of two (2) individuals with Wilfred loans, including:

- one (1) individual certified by the Wilfred location at 1657 Broadway, New York, New York, and
- one (1) individual certified by the Wilfred location at 81 Willoughby Street, Brooklyn, New York

11. Attached hereto as **Exhibit E** is a true and correct copy of a letter, submitted by NYLAG to Defendant on April 9, 2014 requesting false certification discharges on behalf of twenty (20) individuals with Wilfred loans, including:

- four (4) individuals certified by the Wilfred location at 1657 Broadway, New York, New York;
- four (4) individuals certified by the Wilfred location at 208-2010 East 188th Street, Bronx, New York;
- three (3) individuals certified by the Wilfred location at 81 Willoughby Street, Brooklyn, New York;
- three (3) individuals certified by the Wilfred location at 91-14 Merrick Boulevard, Jamaica, New York;
- one (1) individual certified by the Wilfred location at 1645 North Vine Street, Los Angeles, California;
- one (1) individual certified by the Wilfred location at 1140 Raymond Boulevard, Newark, New Jersey;
- one (1) individual certified by the Wilfred location at 6562 Bird Road, Miami, Florida;
- two (2) individuals certified by the American Business Institute location at 2432 Grand Concourse, Bronx, New York; and

- one (1) individual certified by the American Business Institute location at 1657 Broadway, New York, New York.

12. Attached hereto as **Exhibit F** is a true and correct copy of a letter, submitted by NYLAG to Defendant on May 28, 2014 requesting false certification discharges on behalf of four (4) individuals with Wilfred loans, including:

- one (1) individual certified by the Wilfred location at 91-14 Merrick Boulevard, Jamaica, New York;
- one (1) individual certified by the Wilfred location at 188th Street, Bronx, New York;
- one (1) individual certified by the Wilfred location at 81 Willoughby Street, Brooklyn, New York;
- one (1) individual certified by the Wilfred location at 700 Fannin Street, Houston, Texas.

13. Attached hereto as **Exhibit G** is a true and correct copy of an email sent by Defendant to NYLAG on June 20, 2013, concerning the status of applications for false certification discharge submitted by NYLAG on behalf of individuals with Wilfred loans.

14. Attached hereto as **Exhibit H** is a true and correct copy of an email sent by Defendant to NYLAG on July 12, 2013, concerning the status of applications for false certification discharge submitted by NYLAG on behalf of individuals with Wilfred loans.

15. Attached hereto as **Exhibit I** is a true and correct copy of an email sent by Defendant to NYLAG on August 5, 2013, concerning the status of applications for false certification discharge submitted by NYLAG on behalf of individuals with Wilfred loans.

16. Attached hereto as **Exhibit J** are true and correct copies of records produced by Defendant in response to a Freedom of Information Act (“FOIA”) request (numbered 11-01534-F) for “applications and documentation submitted by any former student of [Wilfred] receiving a discharge of a student loan based on false ATB certification by [Wilfred],” submitted on May 16, 2011 by the Neighborhood Economic Development Advocacy Project, including:

- a) Three (3) such applications from students certified by a Wilfred location in California;
- b) Eight (8) such applications from students certified by a Wilfred location in Florida;
- c) Thirteen (13) such applications from students certified by a Wilfred location in Illinois;
- d) Three (3) such applications from students certified by a Wilfred location in Massachusetts;
- e) Three (3) such applications from students certified by a Wilfred location in New Jersey;
- f) Thirteen (13) such applications from students certified by a Wilfred location in New York;
- g) Four (4) such applications from students certified by a Wilfred location in Pennsylvania;
- h) Nine (9) such applications from students certified by a Wilfred location in Texas; and,
- i) Twenty two (22) such applications from students certified by a Wilfred school in an unidentifiable location.

17. Attached hereto as **Exhibit K** is a true and correct copy of a record produced by Defendant in response to a Freedom of Information Act (“FOIA”) request (numbered 11-01534-F) for “inspections, audits, assessments, evaluations, and findings made by any person or organization as to any aspect of [Wilfred] operation,” submitted on May 16, 2011 by the Neighborhood Economic Development Advocacy Project, specifically: a report based on findings of Defendant’s Office of Inspector General in 1996 concerning false certification discharge applications from individuals who obtained federally guaranteed student loans to attend a Wilfred School.

18. Attached hereto as **Exhibit L** is a true and correct copy of a Memorandum dated April 28, 1989, from John P. Higgins, Jr., Director, Policy and Planning Staff, United States Department of Education Office of the Inspector General to Molly Hockman, Director, Division of Audit and Program Review, Office of Post Secondary Education, describing various investigations by offices of USED of schools operated by WAEC and various findings of

violations by WAEC of regulations governing the guaranteed student loan program, obtained by the National Consumer Law Center and made available to subscribers.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Dated: May 28, 2014
New York, NY



JANE GREENGOLD STEVENS
Attorney for the Plaintiffs